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FILING FOR YOUR FIANCÉ(E)

HOW TO FILE

A U.S. citizen who wishes to marry a non- U.S. citizen or permanent resident can help their fiancé(e) obtain permanent residence in different ways.

One way is to apply for a **fiancé(e) visa**, where your fiancé(e) is overseas and you want to marry in the United States. This visa lets your fiancé(e) enter the United States for 90 days so that your marriage ceremony can take place in the United States. Once you marry, your spouse can apply for permanent residence and remain in the United States while the application is processed.

Another way is to marry your fiancé(e) overseas. If you marry overseas, you can then file a **I-130** form for your new spouse

ELIGIBILITY REQUIREMENTS

You must be a U.S. citizen to file a fiancé(e) petition. In your petition, you must show that:

- You are a U.S. citizen.
- You and your fiancé(e) intend to marry within 90 days of your fiancé(e) entering the United States.
- You are both free to marry; and
- You have met each other in person within 2 years before you file the petition. However, there are two exceptions which require a waiver:

- If the requirement to meet your fiancé(e) in person would violate strict and long-established customs of you or your fiancé(e)'s foreign culture or social practice; or

- If you prove that the requirement to personally meet your fiancé(e) would result in extreme hardship to you.

WHAT IF THE FIANCÉ(E) HAS A CHILD?

If the child is under 21 years old and is not married, a K-2 visa may be available to him to her. Be sure to include the name(s) of your fiancé(e)'s child(ren) on your I-129F fiancé(e) petition.

USING A DIFFERENT VISA OR ENTERING WITHOUT A VISA

There can be serious problems for your fiancé(e) if he or she enters the United States on another visa with the intention of marrying and residing here. Attempting to obtain a visa or entering the United States, by saying one thing when you intend another may be considered immigration fraud, for which there are serious penalties.

Those penalties include restricting a person's ability to obtain immigration benefits, including permanent residence, as well as a possible fine up to \$10,000 and imprisonment of up to five years. However, if your fiancé(e) is in the United States and entered using a visa other than a fiancé(e) visa, and you marry, then you file an I-130 relative petition for him or her as your spouse. If your fiancé(e) is in the United States and entered **unlawfully**, he or she will not be able to adjust status to that of a permanent resident while in the United States. In this situation, once you marry, you may file an I-130 relative petition for him or her as your spouse. If approved, he or she will have to pursue an immigration visa at a U.S. Embassy or consulate overseas.

WHAT IF YOU DON'T MARRY WITHIN 90 DAY

Fiancé(e) status automatically expires after 90 days. It cannot be extended. Your fiancé(e) should leave the United States at the end of 90 days if you do not marry. If your fiancé(e) does not depart, he or she would violate U.S. immigration law. This could affect future eligibility for U.S. immigration benefits.

Are you interested in a consultation on the legal issues listed below? Then please check your choice(s) below and we will schedule a meeting with an attorney.

- Tax & Financial Planning For Individuals & Businesses
- Save Your Home From Foreclosure
- Estate Planning & Wills
- How to get a green card

COMMENTS: _____

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